

Hughes Hubbard & Reed LLP

One Battery Park Plaza
New York, New York 10004-1482
Telephone: 212-837-6000
Facsimile: 212-422-4726

FACSIMILE TRANSMITTAL

TO: Douglas Wood DATE: July 31, 2003
FIRM: U.S. Patent and Trademark Office FAX NO: (703) 308-6916
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FROM: Sheryl L. Sandridge for Ronald Abramson TEL NO: (212) 837-6806

MESSAGE:


RE: Serial No. 09/838,863
Inventor: Mattar Neto et al.
Filed: April 20, 2001
Group Art Unit 3761
Our Ref. No. 70317.1200

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PETITIONS OFFICE

Dear Mr. Wood,

Please advise if this amendment does not adequately address the issues you raised in your telephone message of yesterday. Thank you for your assistance in this matter.

Very truly yours,



Sheryl L. Sandridge
(Reg. No. 48,407)

THIS FAX/TELECOPY IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE. THANK YOU.

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CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on this date, July 31, 2003.

Sheryl L. Sandridge
Name (print)

[Signature]
Signature

7/31/03
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mattar Neto, et al. Examiner: Weiss
Title: Secretion Suctioning Device and Serial No.: 09/838,863
Kit for Intubated Patients
Filed: April 20, 2001 Group Art Unit: 3761
Ref. No.: 70317.1200

SUBSTITUTE AMENDMENT

TO: Assistant Commissioner for Patents
Washington, D.C. 20231

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PETITIONS OFFICE

Sir:

On April 11, 2003, Application filed a Petition under 37 C.F.R. § 1.78(a)(3) to accept a claim of priority delayed unintentionally. Applicant respectfully submits this Amendment in connection with that Petition in order to properly claim priority to the prior-filed applications under 35 U.S.C. § 365(c), in accordance with the conditions and requirements of 35 U.S.C. § 120. Applicant respectfully requests that this Substitute Amendment be entered in lieu of the Amendment filed on July 29, 2003. Applicant believes no fees are due in connection with this Amendment, but authorizes any fees to be charged to Hughes Hubbard & Reed Deposit Account

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Please amend the above-identified patent application as follows: